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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,010	06/30/2003	Masaya Ichikawa	TSM-33	1951

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MATTINGLY, STANGER & MALUR, P.C.
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EXAMINER

RIAD, AMINE

ART UNIT	PAPER NUMBER
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2113

MAIL DATE	DELIVERY MODE
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04/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,010

Applicant(s)

ICHIKAWA ET AL.

Examiner

AMINE RIAD

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/18/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-14 are presented for examination.

Claims 1-18 are rejected.

Claims 15-18 are new claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner points out that Page 7, second paragraph lines 13-16 " A primary system state where services are actually provided; a standby state where services are not provided but processing can be undertaken immediately when a fault occurs in the primary system; and an offline state meaning a fault state" Additionally, (Page 16; paragraph 5) "On the other hand, Steps 7500, 7550 and 7600 establish a standby state server 2000 issues neither a read access request nor a write access request (which has been issued by the application program 2410a of a standby server 2000) to the device driver 2400a" These passages proves that the recites claims are not supported by the application own disclosure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 9, 10, 11, 12, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyamoto US Patent 5,845,061.

In regard to claims 1, 9, 10, 11, 13, and 14

Miyamoto discloses a server system comprising a plurality of servers that can be each operated as a primary system and a standby system by system switching, (Figure 1; items 101 server of execution system and 102 server of fault auxiliary system) also (Column 9; line 10-13 [server of fault auxiliary system is standby until a fault occurs at the server of execution system]) and a shared disk unit for storing data accessed by said plurality of servers, (Figure 1; item 106) wherein each or said plurality of servers comprises:

- An application means; (Column 4; line 50 " the present invention to provide a client server alternation" [client-server inherently comprises application means to serve the client])
- A driver means that: acquires information on a configuration inside said shared disk unit after starting of said system;(Figure 1; items 109 and 111) at initial operation and (Column 10; lines 5-8 [when a fault happens among the

information handed over (from the server 101 to server 102) is information collected from shared disk 106 by item 109. This information includes the file system structure, and log of number of times of access at the time of occurrence of a fault. This is considered as configuration information]) Based on said configuration information, sets said shared disk unit in an active state in which an access request can be sent, and when the driver means receives an access request to said shared disk unit, sends said access request to said shared disk unit based on said configuration information; (Column 9; line 63-65 [process admin 108 always monitors the disk processor 109 to check if a fault has occurred or not this is interpreted as item 109 is the one that sets shared disk 106 to active when there is no fault, and sends the requests in this case])

- An access control means that (Figure 1; items 108 and 110)
- Judges whether an access request issued by said application means should be sent, based on a management table indicating inhibited types of access requests for each access destination; (Figure 1; item 108) and (Column 5; lines 15-19)
- and sends said access request to said driver means when said access request is not inhibited for an access destination of said access request (Column 5; lines 19-21)
- wherein switching between a server operating as the primary and a server operating as the standby system is conducted by inhibiting or permitting access

requests of the standby system based on the management table.(Column 6; lines 38-42)

In regard to claim 2,

Miyamoto discloses the server system according to claim 1, wherein:

when a fault occurs in a server operating as the primary system, (Column 4; lines 49-52) then the access control means of said server registers in said management table such that an access request of said application means to any access destination is inhibited (Column 5; line 16-17 [when the state registering table registers the state of the disc processor 109 when a fault occurs the state table inhibits the access to the shared disc through item 109]).

In regard to claim 5,

Miyamoto discloses the server system according to claim 1, wherein:

- management table indicates an inhibited read and/or write access request for each access destination; (Column 14; lines 10-12[reading or writing data in accordance with the request which comes from the processor administrator that contains the administrative table means that the administrative table contains either an inhibited read or write]).

access control means judges, based on said management table, whether a read or write access request issued by said application means should be sent , and sends the read or write access request to said driver means when said access request is directed

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to an access destination for which the read or write access request is not inhibited (Column 14; lines 6-12 ["In accordance with the request" is considered as checking for the conditions of access]).

In regard to claim 6,

Miyamoto discloses the server system according to claim 1, wherein:

- management table indicates an inhibited file open and/or file close access request for each access destination; (Column 19; lines 28-35 [when a file is locked it is inhibited from being accessed by other processes therefore both its opening, and its closing are inhibited])
- access control means judges, based on said management table, whether a file open or file close access request issued by said application means should be sent (Column 5; lines 15-19), and sends the file open or file close access request to said driver means when said access request is directed to an access destination for which the file open or file close access request is not inhibited (Column 5; lines 19-21).

In regard to claim 12,

Miyamoto discloses the storage medium according to claim 11 in which the program functions as an operating system. (Column 19; lines 24-27)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto US Patent 5,845,061 in view of Padmanabhan Patent Application Publication 2004/0107300.

In regard to claim 3,
Miyamoto discloses the server system according to parent claim 1, which when it operates as a primary server, and receives a switching command the access control registers in the management table inhibited destination (Column 11; lines 4-6 the switching happens only when a fault occurs therefore by updating the state administrative table Miyamoto inhibits the access of the application to any destination) Miyamoto does not disclose that the server system comprises a console for sending to the plurality of servers a system switching command inputted by an operator. Padmanabhan teaches a console for sending to the plurality of servers a system switching command inputted by an operator (Page 5; paragraph 113)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a console for sending to the plurality of servers a switching command inputted by an operator of Padmanabhan into the server system of Miyamoto.

One of ordinary skill in the art at the time the invention would have been motivated to make this combination because adding manual switching would make the system more flexible, allowing an operator to switch from one server to the other at anytime for maintenance purposes for example.

In regard to claim 7,

Miyamoto discloses receiving the command for registering, deleting or changing inhibited access requests for each access destination; and registering the deleting command, the changing command, and the registering command in the management table (Column 19; lines 34-40) and (Figure 30; item 84 update file administration information updating file administration information is interpreted as registering, deleting, and changing).

- Miyamoto does not disclose a server system that comprises a console for sending said plurality of servers a command by an operator.
- Padmanabhan teaches a console for sending to the plurality of servers a command for registering, deleting or changing inhibited access requests by an operator. (Page 5; paragraph 113)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a console for sending to the plurality of servers a command for registering, deleting or changing inhibited access requests by an operator by Padmanabhan into the server system of Miyamoto.

One of ordinary skill in the art at the time the invention would have been motivated to make this combination because adding manual switching would make the

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system more flexible, allowing an operator to switch from one server to the other at anytime for maintenance purposes for example.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto US Patent 5,845,061 in view of Raz US Patent 5,913,227.

In regard to claim 4,

Miyamoto discloses the server system as recited in parent claim 1.

Miyamoto does not disclose that at least write is inhibited from management table by the access control means.

Raz teaches in (Column 5; lines 65-67) and (Column 6; lines 1-5) that the agent makes a determination by referring to a locally maintained table in which the agent records the granting and the release of locks per file. Raz teaches also that a shared lock can be granted and the new file access request is a read only not a write request.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine inhibiting write request from the management table by the access control means as taught by Raz with the server system of Miyamoto.

One of ordinary skill in the art at the time the invention would have been motivated to make this combination because writing to the shared disk while recovering from a fault occurring in the master server could corrupt the data existing in the shared disk.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto US Patent 5,845,061 in view of Odanaka JP 05241876.

In regard to claim 8,

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Miyamoto discloses the server system as recited in parent claim 1,

Miyamoto does not disclose a console for sending each of said plurality of servers a command that is inputted by an operator and that requests contents of the management table, and for outputting the contents of the management table received from the server in question.

Odanaka teaches sending a command that is inputted by an operator and outputting the content of the management table (Abstract; "and the table is outputted to a console")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a console for sending to the plurality of servers a command for outputting the content of management table by an operator by Odanaka into the server system of Miyamoto.

One of ordinary skill in the art at the time the invention would have been motivated to make this combination because manually outputting the content of the management table would give the system an additional option to view the data.

Response to Applicant's Argument

Applicant arguments filed on December 18, 2007 have been fully considered, and are not persuasive.

In regards to the main argument in which the Applicant states that "Although in Miyamoto the disk processor operates an access control, there is no teaching or suggestion that the standby system acquires the configuration information of the inside of the shared disk at initial operation as in the present invention. Therefore, in Miyamoto

when switching the system acquiring the configuration information of the inside of the shared disk is still required contrary to that of the present invention.” Examiner respectfully disagrees.

Examiner points Applicant to (Column 17; lines 40-45) where Miyamoto discloses “Portions of the HDD 12 used in the above described device configuration and accessed by the client are copied into the SDD 13 at the time of system start-up”

This disclosure relates to Figure 27. This Figure shows network 16, which essentially connects to the shared drive that connects clients 11 to servers 10a, 10b, 10c, and 10d. The Figure also shows hard drives 12a, 12b, 12c, and 12d as part of the servers. According to Miyamoto the above servers including primaries, and stand by servers get the configuration at start up time and copy this configuration to the local hard drive 12's and the solid state drive 13. The above demonstration proves that Miyamoto discloses that the configuration data is gathered at initialization time contrary to what the Applicant is arguing. The argument is not valid. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amine Riad whose telephone number is 571-272-8185.

The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR
Amine Riad
Patent Examiner
3/19/08

/Robert W. Beausoliel, Jr./

